

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IMMUNEX CORPORATION;
AMGEN MANUFACTURING, LIMITED;
and HOFFMANN-LA ROCHE INC.,

Plaintiffs,

v.

SANDOZ INC.; SANDOZ INTERNATIONAL
GMBH; and SANDOZ GMBH,

Defendants.

Civil Action No. 16-1118 (CCC/MF)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY ADJUDICATION OF
INFRINGEMENT UNDER
35 U.S.C. § 271(e)(2)(C)**

Filed Electronically

THIS MATTER having been opened to the Court on the motion of Plaintiffs, Immunex Corporation and Amgen Manufacturing Limited (collectively, "Immunex") by and through their undersigned counsel, for the entry of an order granting summary judgment on claim 1 of U.S. Patent Number 8,722,631 (the "'631 Patent") pursuant to Immunex's Motion for Summary Adjudication of Infringement Under 35 U.S.C. § 271(e)(2)(C), and the Court having considered the submitted papers, and oral argument, if any, and for good cause shown;

IT IS on this the _____ day of _____, 2017, hereby:

ORDERED that Immunex's Motion for Summary Adjudication is granted; and it is further

ORDERED AND ADJUDGED that Sandoz Inc.'s submission of BLA 761042 constitutes infringement of claim 1 of Immunex's '631 Patent under 35 U.S.C. § 271(e)(2)(C); and it is further

ORDERD that Immunex is granted judgment as a matter of law that Sandoz Inc. has infringed claim 1 of the '631 Patent under 35 U.S.C. § 271(e)(2)(C).

HONORABLE CLAIRE C. CECCHI
UNITED STATES DISTRICT JUDGE